

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-092499

11/09/2011

JUDGE PRO TEM SHELLIE SMITH

CLERK OF THE COURT

C. Towles

Deputy

IN RE THE MARRIAGE OF  
CHRISTINA DORANN WAGNER

CHRISTINA DORANN WAGNER  
2524 S EL PARADISO # 53  
MESA AZ 85202

AND

MARK ROBERT WAGNER

MARK ROBERT WAGNER  
3056 CEDAR XING  
MINNETONKA MN 55305

DOCKET-FAMILY COURT-SE  
FAMILY COURT SERVICES-CCC

**DECREE OF DISSOLUTION OF MARRIAGE**

This Matter came before the Court on Mother's *Petition for Dissolution of a Non-Covenant Marriage with Children*, filed July 9, 2010. Upon consideration of the pleadings and testimony at trial,

**THE COURT FINDS AND CONCLUDES** as follows:

1. The parties were married May 17, 1997.
2. This is not a Covenant Marriage.
3. At least one of the parties lived in Arizona for at least 90 days preceding the filing of the Petition for Dissolution.
4. Domestic Violence was not an issue during this marriage.
5. There are two minor children born of the marriage.
6. Wife is not pregnant.

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7. The marriage is irretrievably broken.
8. The parties are aware of the Conciliation Services available but do not believe the services would resolve the differences between the parties.
9. To the extent it has jurisdiction to do so, the Court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

**IT IS ORDERED:**

**DISSOLUTION**

The marriage which heretofore existed between the parties is dissolved and each party is returned to the status of a single person.

**FORMER NAME**

Wife has declined restoration of her former name at this time.

**CUSTODY AND PARENTING TIME**

**LET THE RECORD REFLECT** the parties agree that custody and parenting time shall be addressed by the Juvenile Court.

**PROPERTY**

**LET THE RECORD REFLECT** all personal property has been divided.

**IT IS ORDERED** that each party shall be awarded as their sole and separate property the personal property in their possession.

**IT IS FURTHER ORDERED** affirming that Respondent is awarded the 2005 CDR 1000 as his sole and separate property.

**IT IS FURTHER ORDERED** affirming that Petitioner is awarded the 2007 Jeep Wrangler as her sole and separate property, subject to any liens or encumbrances thereon.

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**DEBTS**

**IT IS ORDERED** that Respondent shall be responsible for and pay the traffic fines in the approximate amount of \$2,400.00.

**IT IS FURTHER ORDERED** that each party shall be responsible for and pay one-half of the \$1,684.72 for the 2002 IRS Debt. The parties agree to divide equally the AmeriCredit debt of approximately \$21,000.00.

**IT IS FURTHER ORDERED** that Father shall be responsible for and pay his student loan debt in the approximate amount of \$89,000.

**IT IS FURTHER ORDERED** any debt incurred by either party after the date of service of the Petition is the sole and separate debt of the party who incurred the debt.

**SPOUSAL MAINTENANCE**

Husband seeks an award of spousal maintenance. Wife opposes the award, asserting that Husband does not qualify for an award of spousal maintenance.

The determination of spousal maintenance is controlled by A.R.S. § 25-319. The threshold question is entitlement, which is controlled by subsection (A) of the statute. It provides as follows:

In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse for any of the following reasons if it finds that the spouse seeking maintenance:

1. Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.
2. Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.

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3. Contributed to the educational opportunities of the other spouse.
4. Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

**THE COURT FINDS** that Husband has not established a statutory basis for entitlement to an award of spousal maintenance. His claim is therefore denied and neither party is entitled to an award of spousal maintenance.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

**FILED:** Exhibit Worksheet.

11/14/2011

/S/ JUDGE PRO TEM SHELLIE SMITH

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Pro Tem Shellie Smith  
Judicial Officer of the Superior Court

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.